



THE CITY OF NEW YORK
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BY ECF

Honorable Cheryl L. Pollack
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Rodney Smith, et al. v. City of New York, et al.
15-CV-03859 (PKC) (CLP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and one of the attorneys assigned to represent all of the individual defendants, except for Correction Officer Shane Sterling, (hereinafter “City Defendants”) in the above-referenced matter.

On July 5, 2018, non-party City of New York (hereinafter “the City”) served Offers of Judgment pursuant to Federal Rule of Civil Procedure 68 on all twenty-two plaintiffs. On July 19, 2018, fourteen plaintiffs (hereinafter the “Accepting Plaintiffs”) accepted the City’s Rule 68 offers. (Docket No. 89). Among the Accepting Plaintiffs was Daquan Brown, who asserted specific claims of physical force against Correction Officer Shane Sterling. On September 10, 2018, the fourteen Accepting Plaintiffs filed a Motion for Attorney Fees. (Docket No. 95). On October 10, 2018, Your Honor extended the City Defendants’ time to respond to the Accepting Plaintiffs’ fee motion until today. (Docket Nos. 99 and 103).

City Defendants now write to advise the Court that the parties have reached a settlement agreement in principle concerning the plaintiffs’ Motion for Attorney Fees on the fourteen Accepting Plaintiffs. Accordingly, no response is required from any of the defendants regarding the Accepting Plaintiffs’ fee motion. City Defendants will prepare settlement paperwork for execution by plaintiffs’ attorneys.

City Defendants note that discovery is continuing as to the eight non-accepting plaintiffs.

The City Defendants thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/

Nelson R. Leese

Assistant Corporation Counsel

cc:

VIA ECF

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